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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,163	01/14/2002	Keiichi Sugiyama	F9597.0001/P001	5041
24998	7590	11/15/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			CHEN, TSE W	
2101 L Street, NW			ART UNIT	
Washington, DC 20037			PAPER NUMBER	

2116

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/043,163

Applicant(s)

SUGIYAMA, KEIICHI

Examiner

Tse Chen

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01142002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on January 14, 2002 was filed before the mailing date of the first Office Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Specification***

2. Claims 2 and 5-7 are objected to because of the following informalities:
- As per claim 2, “said storage device” on line 20 should be “external storage device” or the like in order to better distinguish from the storage device of the information processing apparatus that stores the program.
  - As per claims 5-7, “said storage device” should be “external storage device” or the like in order to better distinguish from the storage device of the information processing apparatus that stores the program.
- Appropriate correction is required.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2116

4. Claims 1, 3, and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallagher et al., US Patent 6523112, hereinafter Gallagher.

5. In re claim 1, Gallagher discloses an information processing apparatus [processing unit module 28] comprising:

- An interface [fwd scsi 16].
- A storage device [rom] which stores a program, said program comprising:
- A detecting routine which detects whether or not an external device [e.g., hard drive of the storage system 12] is connected to said interface [col.19, 1.8 – col.20, 1.15].
- A judgment routine [e.g., 402] which judges whether or not said external device is a storage device which stores an operating system in the case where an external device is detected by said detecting routine [col.19, 1.37 – col.20, 1.15].
- A starting-up routine [e.g., 404] which starts up said operating system in the case where said external device is judged to be a storage device which stores an operating system by said judgment routine [col.19, 1.37 – col.20, 1.15].

6. As to claim 3, Gallagher discloses the information processing apparatus wherein the program is an input/output program [col.19, 1.8 – col.20, 1.15; program utilizes input/output routines to send and receive request/information regarding os].

7. In re claim 15, Gallagher discloses each and every limitation of the claim as discussed above in reference to claim 1. Gallagher discloses the information processing apparatus; therefore, Gallagher discloses the method of utilizing the information processing apparatus.

8. In re claim 16, Gallagher discloses each and every limitation of the claim as discussed above in reference to claim 1. Gallagher discloses the program for the information processing apparatus [col.19, l.8 – col.20, l.15].

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, and 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher as applied to claims 1 above, and further in view of Itoh et al., US Patent 6795912, hereinafter Itoh.

11. In re claim 2, Gallagher discloses each and every limitation as discussed above in reference to claim 1. Gallagher did not discuss a second operating system.

12. Itoh discloses an information processing apparatus [computer system 10] wherein a program comprises a stopping routine [os termination hook] which stops start-up of a second operating system [first os] in the case where the second operating system has been started up, before an operating system [second os] stored in a storage device [main storage unit] is started up by the starting-up routine [col.3, l.60 – col.4, l.14; col.12, ll.7-46; col.17, l.44 – col.18, l.14].

13. It would have been obvious to one of ordinary skill in the art, having the teachings of Gallagher and Itoh before him at the time the invention was made, to modify the apparatus taught by Gallagher to include the teachings of Itoh, in order to obtain the information processing apparatus wherein said program comprises a stopping routine which stops start-up of a second

Art Unit: 2116

operating system in the case where said second operating system has been started up, before said operating system stored in said storage device is started up by said starting-up routine. One of ordinary skill in the art would have been motivated to make such a combination as it provides a versatile way to switch between operating systems under different environments [col.1, ll.18-28; col.2, ll.32-42].

14. As to claim 4, Gallagher discloses the information processing apparatus wherein the program is an input/output program [col.19, l.8 – col.20, l.15; program utilizes input/output routines to send and receive request/information regarding os].

15. As to claims 5-7, Itoh discloses the information processing apparatus wherein the starting-up routine starts up the second operating system [first os] after the operation of the operating system [second os] stored in the storage device is completed [col.17, ll.35-43].

16. As to claims 8-14, Itoh discloses the information processing apparatus wherein the external device is connected to the interface via an interface cable [usb 44] which allows a live line to be inserted and to be removed [col.8, ll.43-55].

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additionally cited U.S. patent document describes a method for automatically detecting and installing an external device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (571) 272-3672. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

Art Unit: 2116

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tse Chen  
November 8, 2004

A handwritten signature in black ink, appearing to read 'Thuan Du', with a stylized, flowing script.

THUAN DU